

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Chapter 11

Case No.: 6:15-bk-07275-KSJ

PROGRESSIVE PLUMBING, INC.,

PROGRESSIVE SERVICES, LLC, and
GRACIOUS LIVING DESIGN
CENTER, INC.

Jointly Administered with
Case No.: 6:15-bk-07276-KSJ
Case No.: 6:15-bk-07277-KSJ

Debtors.

PROGRESSIVE PLUMBING, INC.,

Plaintiff/Debtor,

v.

THE EVERGREEN CORPORATION,
and ALLIED WORLD SPECIALTY
INSURANCE COMPANY,

Adv. Pro. No.6:15-ap-00145-KSJ

Defendants.

**DEFENDANT THE EVERGREEN CORPORATION'S MOTION TO
EXTEND TIME TO REQUEST WITHDRAWAL OF THE REFERENCE**

Defendant, The Evergreen Corporation ("Evergreen"), by and through its undersigned counsel, hereby moves the Court to extend the time for Evergreen to request a withdrawal of the reference. Pursuant to Local Rule 5011-1(c), the deadline to file a motion to withdraw the reference is today. As set forth in detail in Evergreen's motion to dismiss the adversary complaint that has been filed on this date (Doc. No. 4), Evergreen submits that the Court has no subject matter jurisdiction in this proceeding including no "related to" jurisdiction. If the motion to dismiss is granted, the need to request a withdrawal of the reference will be obviated. If the motion is not granted, there will be no prejudice to any party if the motion to withdraw the

reference is filed at the time Evergreen files an answer to the complaint along with Evergreen's demand for jury trial.

WHEREFORE, The Evergreen Corporation requests that the Court enter an order granting this motion, extending the deadline to request a withdrawal of the reference until such time as Evergreen is required to file an answer, if such event ever occurs, and granting such further relief as the Court deems just and proper.

/s/ Michael A. Tessitore

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Attorneys for The Evergreen Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served electronically or by United States Mail on the 23rd day of November, 2015 to: Michael A Nardella, Esq., Nardella & Nardella, PLLC, 250 East Colonial Drive, Ste. 102, Orlando, FL 32801. and Roman V. Hammes, Esq., Roman V. Hammes, P.L., 250 East Colonial Drive, Suite 305, Orlando, FL 32801.

/s/ Michael A. Tessitore